



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Final Map and Improvement Agreement for Bridgetowne, Unit No. 1, Tract No. 2133 and Set Public Hearing for December 18, 1996 to Require Street Improvements on Adjacent Parcel (APN 015-230-035)

**MEETING DATE:** November 20, 1996

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council take the following action with regard to the Bridgetowne, Unit No. 1 development and associated off-site public improvements:


1. Approve the final map for Bridgetowne, Unit No. 1, Tract No. 2133, and direct the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
2. Require installation of off-site public improvements deferred under the terms of an Improvement Deferral Agreement executed by Wine and Roses Country Inn, recorded in the San Joaquin County Recorder's Office as Instrument No. 91056571 on June 18, 1991, in conjunction with the Bridgetowne, Unit No. 1 development.
3. Set a Public Hearing for December 18, 1996, to require the installation of missing street improvements on the adjacent parcel to the east (APN 015-230-035) under the terms of Section 5875 of the Streets and Highways Code.
4. Appropriate \$273,916.71 for payment of the following items:

a) Oversize water mains	(Account 18.2-450.09)	\$ 12,517.82
b) Oversize sanitary sewer mains	(Account 17.1-400.21)	\$ 187.00
c) Master plan storm drain	(Account 32.0-525.81)	\$ 57,192.30
d) Park site frontage improvements	(Account 121.0-760.85)	\$110,679.31
e) Turner Road reconstruction	(Account 32.0-500.12)	\$ 93,340.28

**BACKGROUND INFORMATION:** Chris R. and LaVeta Keszler and A. Fred and G. Camy Baker, developers of the Bridgetowne, Unit No. 1 subdivision, have furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

The subdivision is located north of Turner Road, south and east of the Woodbridge Irrigation District Canal and west of the Wine and Roses Country Inn as shown on the attached Exhibit A. The development consists of 53 single-family residential lots and a neighborhood park site (Lot 1) to be acquired by the City under the terms of an agreement approved by the City Council on November 6, 1996.

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

The developer will receive credits against fees for oversize master plan water mains, sanitary sewer mains and storm drainage facilities to be constructed with the Bridgetowne development in conformance with LMC §16.40 Reimbursements for Construction. The cost of the frontage improvements for the neighborhood park site (Lot 1) will be credited against Development Impact Mitigation Fees for Parks and Recreation Facilities in conformance with the terms of the above-mentioned park site acquisition agreement.

#### Installation of Deferred Off-Site Improvements

The 10-inch master plan water main in Turner Road from Lower Sacramento Road to the west project boundary needs to be installed in conjunction with the Bridgetowne development. Installation of the portion of the water main between the east project boundary and the Lower Sacramento Road intersection was deferred under the terms of an Improvement Deferral Agreement executed by Wine and Roses Country Inn and recorded as Instrument No. 91056571 (Exhibit B). Since the water main needs to be installed to serve the Bridgetowne project, staff recommends that Council request that the portion of the water main east of the subdivision boundary be installed by the adjacent property owner in conformance with the terms of the Deferral Agreement. The design of the water main has been included in the plans for the Bridgetowne development and a cost estimate for construction provided by the developer's engineer.

#### Public Hearing Request

Frontage improvements, consisting of curb, gutter and sidewalk, have been installed only on the easterly portion of the adjacent parcel to the east currently being used by Wine and Roses Country Inn. With the development of the Bridgetowne project, the unimproved frontage on the adjacent parcel will leave a gap of 209 feet in the curb, gutter and sidewalk improvements on the north side of Turner Road. Turner Road will be reconstructed with the Bridgetowne project, as described below. Staff recommends that Council set a public hearing for December 18, 1996, to require the installation of frontage improvements on the adjacent parcel in conformance with Section 5875 of the Streets and Highways Code (Exhibit C). The design of the frontage improvements has been included in the plans for the Bridgetowne development and an engineer's cost estimate for the construction is available.

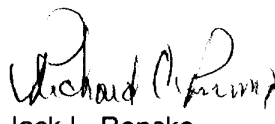
#### Turner Road Reconstruction

Repairs in Turner Road between the Woodbridge Irrigation District (WID) Canal and Lower Sacramento Road were included in the Pavement Maintenance Program for 1996. Since underground utilities are to be installed in Turner Road with the Bridgetowne project, the scheduled repair work has been included in the plans for that project and the cost of the improvements will be paid by the City. The work consists of removing and reconstructing a 22-foot strip in the center of Turner Road along the Bridgetowne subdivision frontage and removal and reconstruction of the entire street width between the east subdivision boundary and Lower Sacramento Road. The work will improve the condition of the roadway surface and the existing grades, which are very flat, will be changed to improve drainage.

Final Map and Improvement Agreement for Bridgetowne, Unit No. 1, Tract No. 2133  
and Set Public Hearing for December 18, 1996 to Require Street Improvements  
on Adjacent Parcel (APN 015-230-035)  
November 20, 1996  
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FUNDING: Funds will be provided from the following sources:

1. Development Impact Mitigation Fees - Water Facilities	\$ 12,517.82
2. Development Impact Mitigation Fees - Sewer Facilities	187.00
3. Development Impact Mitigation Fees - Storm Drain Facilities	57,192.30
4. Development Impact Mitigation Fees - Parks and Recreation Facilities	10,679.31
5. Street Fund - Gas Tax	<u>93,340.28</u>
Total	\$ 273,916.71

  
for Jack L. Ronsko  
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

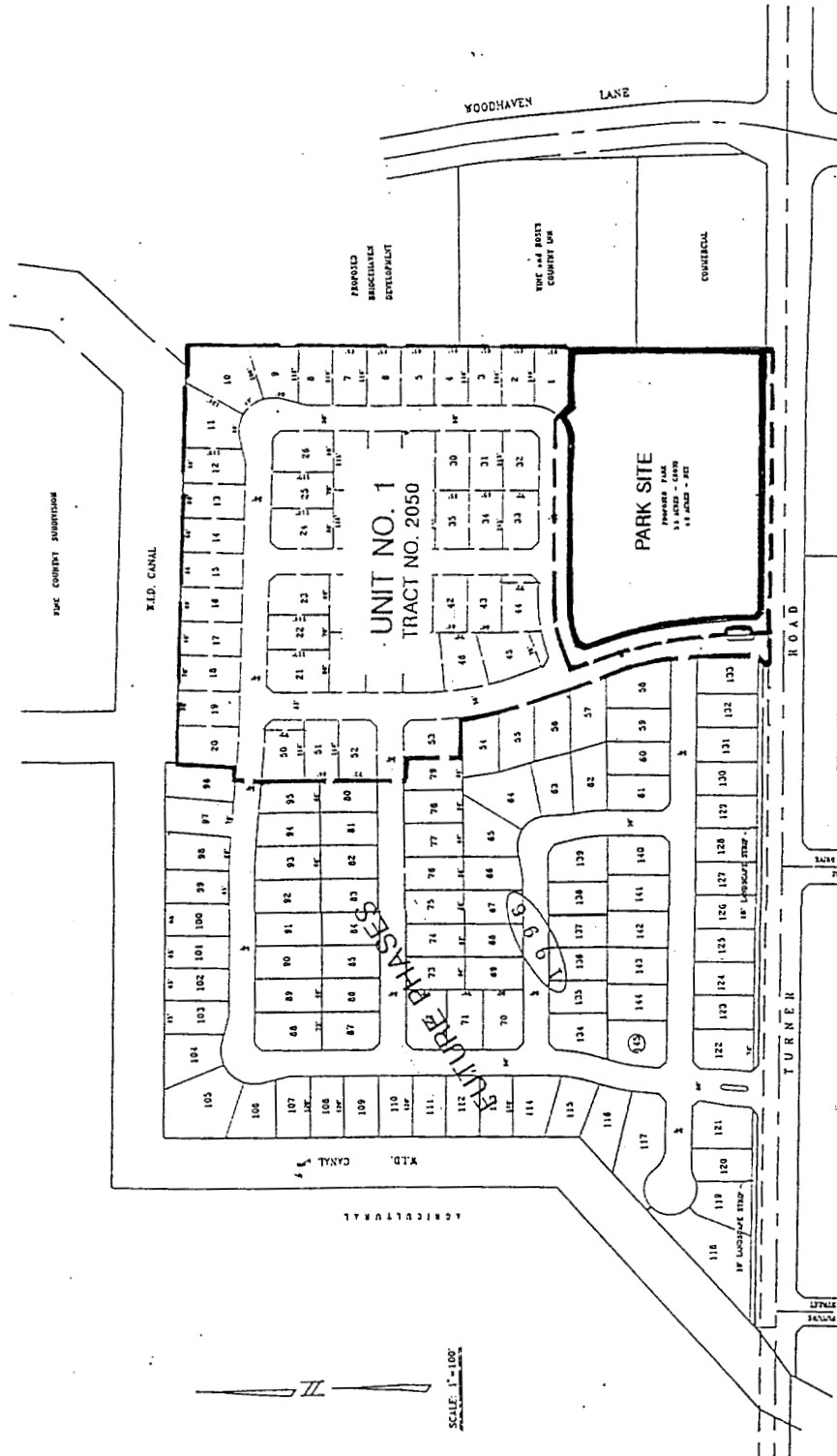
cc: Senior Civil Engineer  
Associate Civil Engineer - Development Services  
Chris R. and LaVeta Keszler  
Fred and Camy Baker  
Baumbach & Piazza  
Wine and Roses Country Inn



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A BRIDGETOWNE



# EXHIBIT B

91056571

SAN JOAQUIN COUNTY  
RECORDER'S OFFICE  
JAMES M. JOHNSTONE

91 JUN 18 AM 11:12

RECORDED AT REQUEST OF

CITY SHOWN

FEE EXEMPT FROM FEE

WHEN RECORDED, RETURN TO:  
City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT  
2505 W. Turner Road  
Assessor's Parcel 015-230-05

THIS AGREEMENT is made and entered into by and between WINE AND ROSES COUNTRY INN, a limited partnership, hereinafter called Developer, and the CITY OF LODI, a municipal corporation, hereinafter called City.

WHEREAS, Developer is owner of that certain real property situate in the County of San Joaquin, State of California, and described as follows:

Parcel "B" of the Parcel Map filed in Book 12 of Parcel Maps,  
Page 103, San Joaquin County Records, November 10, 1983.

WHEREAS, Developer, at the present time, wishes to make improvements to said property and is desirous of complying with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code, and this Agreement is being entered into for the purpose of setting forth the rights, duties and obligations of the parties hereto with respect to the following:

1. Developer has paid all fees applicable to the 2.2 acre parcel presently being developed, including engineering fees for Turner Road.
2. Developer will design and install, prior to occupancy, all normal off-site improvements for the parcel presently being developed as shown on City of Lodi drawing 85D123, except the following improvements on Turner Road fronting the parcel:
  - a) Sanitary Sewer
  - b) Water Main
  - c) Miscellaneous items related to sanitary sewer and water main construction.
3. The City agrees that the installation of the improvements listed in 2a) through 2c) above need not be made at this time with the understanding that Developer agrees that the Turner Road sanitary sewer and water main improvements fronting its property will be made when the adjacent Turner Road property develops, or upon demand of the City for other good and sufficient reasons, and that Developer will undertake and start the construction of these improvements within 90 days after written notice is given by City to Developer, and will complete the improvements within 90 days from receipt of notice.
4. This Agreement shall be binding on the Developer, its heirs, successors or assigns.

5. In the event that the aforesaid improvements are not installed upon demand of City, as provided in paragraph 3, then City is hereby authorized to install said facilities and may file suit against Developer, its heirs, successors or assigns for the costs incurred, as well as for a reasonable sum to be allowed as and for the City's attorney fees incurred in connection with such litigation for the collection of the monies due or may file a lien against said property for the costs incurred.
6. Developer agrees that in the event of the sale of all or any portion of the property first hereinabove-described, that the purchaser shall be given a copy of this agreement so that the purchaser will be apprised of their obligations and responsibilities hereunder and a statement to that effect shall be delivered to City before the time of the close of the escrow.
7. A copy of this Agreement shall be recorded in the office of the San Joaquin County Recorder, P.O. Box 1968, Stockton, California, 95201-1968.
8. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Jack L. Ronsko  
Public Works Director  
Call Box 3006  
Lodi, CA 95241-1910

Notices required to be given to Developer shall be addressed as follows:

WINE & ROSES COUNTRY INN  
2505 W. Turner Road  
Lodi, CA 95242

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: May 9 1988

By: Thomas A. Peterson  
Thomas A. Peterson, City Manager

Attest: Alice M. Reimche  
Alice M. Reimche, City Clerk

91056571

**EXHIBIT B**WINE AND ROSES COUNTRY INN  
A Limited PartnershipDated: May 6 1988

By:

Kristin I. Cromwell  
Kristin I. Cromwell  
General PartnerDated: 5-6-88 1988

By:

Delwin G. Smith  
Delwin G. Smith  
General Partner

Approved as to form

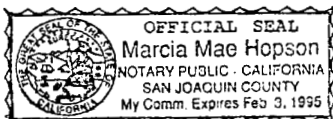
Bob McNatt  
Bob McNatt  
City Attorney

Date:

5-10-88STATE OF CALIFORNIA )  
COUNTY OF SAN JOAQUIN )

ss

On this 6th day of May, in the year 1988,  
before me, Marcia Mae Hopson,  
a Notary Public, State of California, duly commissioned and  
sworn, personally appeared Kristin I. Cromwell and  
Delwin G. Smith, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
persons that executed this instrument, on behalf of the  
partnership and acknowledged to me that the partnership  
executed it. -

Marcia Mae Hopson  
Notary Public, State of California

Acknowledgement - Partnership

**STREETS AND HIGHWAYS CODE**  
**Section 5875**

**ARTICLE 2. PERFORMING THE WORK**

**§ 5875. Duty to construct**

The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part, or whenever the legislative body of the city upon its own motion orders the installation of such improvements in front of said part, shall have the duty of constructing or causing the construction of sidewalks or curbs in front of their properties upon notice so to do by the superintendent of streets.

(Amended by Stats.1970, c. 1031, p. 1843, § 1.)



CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY C. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

November 14, 1996

Chris R. and LaVeta Keszler  
P. O. Box 216  
Woodbridge, CA 95258

Fred and Camy Baker  
317 West Lodi Avenue  
Lodi, CA 95240

SUBJECT: Final Map and Improvement Agreement for Bridgetowne, Unit No. 1,  
Tract No. 2133 and Set Public Hearing for December 18, 1996 to  
Require Street Improvements on Adjacent Parcel (APN 015-230-035)

Enclosed is a copy of background information on an item on the City Council  
agenda of Wednesday, November 20, 1996, at 7 p.m. The meeting will be held in the  
City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a  
Council Member requests discussion. The public is given an opportunity to address  
items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,  
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for  
the mail. Or, you may hand-deliver the letter to the City Clerk at 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's  
card (available at the Carnegie Forum immediately prior to the start of the meeting) and  
give it to the City Clerk. If you have any questions about communicating with the  
Council, please contact Jennifer Perrin, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Sharon Welch at 333-6800,  
ext. 659.

  
Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk  
Baumbach & Piazza

CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIEGLOCK

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H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

November 14, 1996

Wine and Roses Country Inn  
2505 West Turner Road  
Lodi, CA 95242

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Tract No. 2133 and Set Public Hearing for December 18, 1996 to Require  
Street Improvements on Adjacent Parcel (APN 015-230-035)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 20, 1996, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The item requests Council action on several issues regarding the Bridgetowne development, including the installation of street and underground utilities along the Turner Road frontage of your parcel. These improvements include the installation of a 10-inch water main which was deferred under the terms of an Improvement Deferral Agreement recorded June 18, 1991, and installation of street frontage improvements on the unimproved westerly portion of your parcel.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

As indicated in the title, we will set a public hearing date to discuss requiring the installation of street improvements on the unimproved frontage of your parcel. Public hearings are usually set for the second following Council meeting, which in this case would be December 18, 1996.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to the City Clerk at 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card available at the Carnegie Forum immediately prior to the start of the meeting and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at 333-6702.

If you have any questions about the item itself, please call me at 333-6800, ext. 659.



Sharon A. Welch  
Associate Civil Engineer

SAW/lm

Enclosure

cc: City Clerk

NCCFMPWR.DOC



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: December 18, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**

City Clerk

Telephone: (209) 333-6702

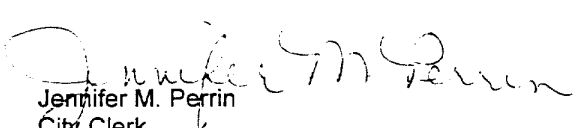
### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, December 18, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) require the installation of missing street improvements on the adjacent parcel to the east (APN 015-230-035) under the terms of Section 5875 of the Streets and Highways Code

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

  
Jennifer M. Perrin  
City Clerk

**Dated: November 21, 1996**

Approved as to form:



Randall A. Hays  
City Attorney



## **DECLARATION OF MAILING**

### **Public Hearing: REQUIRE STREET IMPROVEMENTS**

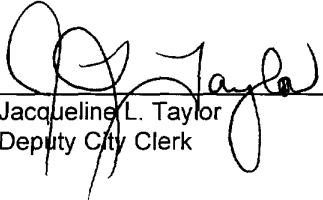
On November 21, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 21, 1996, at Lodi, California.

Jennifer M. Perrin  
City Clerk

  
Jacqueline L. Taylor  
Deputy City Clerk

\_\_\_\_\_  
Linda S. Nichols  
Administrative Clerk

WINE AND ROSES COUNTRY INN  
ATTN DEL SMITH  
2505 W TURNER RD  
LODI CA 95242

CHRIS R & LaVETA KESZLER  
P O BOX 216  
WOODBIDGE CA 95258

FRED AND CAMY BAKER  
317 W LODI AVE  
LODI CA 95240

BAUMBACH & PIAZZA  
CIVIL ENGINEERS  
323 W ELM ST  
LODI CA 95240